

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Northern Division**

**MISSISSIPPI ASSOCIATION OF
EDUCATORS, BARBARA PHILLIPS,
JAMES THOMAS, DAWN ZIMMERER,
L.E. JIBOL, UNITED CAMPUS
WORKERS SOUTHEAST LOCAL 3821,
MADISYN DONLEY, ALEXIS COBBS,
KAREN ADERER, FOSTERING
LGBTQ+ ADVOCACY, RESOURCES,
ENVIRONMENTS AND WOMEN IN
SCIENCE AND ENGINEERING,**

Civil No. 3:25cv00417-HTW-LGI

Plaintiffs,

v.

LYNN FITCH et al.,

Defendants.

UNOPPOSED MOTION FOR CONTINUANCE OF JULY 23 HEARING

Although Plaintiffs previously suggested that a preliminary injunction hearing could be held on July 21-22, intervening developments now lead them to request a continuance of the July 23 hearing set by the Court in the order issued yesterday, July 20. The July 21-22 dates were based on the assumption that a TRO might be granted after the hearing that was held on June 24, in which case the 28 period for a TRO would end on July 22. Now that the TRO was issued yesterday, July 20, the 28 day period runs until August 17, 2025.

One of the Plaintiffs' counsel, Rob McDuff, has been out of the country since July 8. He stated to the Court previously that he could return for a July 21-22 hearing. Because the Court did not set a hearing before yesterday, he has not made plans to return from overseas and it would be difficult to do so in time for a Wednesday hearing. Although his presence is not

essential, he would like to be there if feasible. In addition, it is difficult for some of the potential witnesses, including some of the plaintiffs, to plan their schedules on short notice to be available this Wednesday.

Two other developments are also relevant. As indicated in a filing on July 11 [45], Plaintiff Mississippi Association of Educators (MAE) seeks to withdraw from the case. Further, the U.S. Supreme Court recently issued its decision in *Trump v. Casa*, that was cited by the Defendants in their opposition to the preliminary injunction motion. These developments likely will lead the Plaintiffs later this week to file a motion for leave to file an amended complaint that could bear on the Court's review of the pending motions.

In light of the foregoing, the Plaintiffs request a continuance of the July 23 hearing until a date convenient for the Court but well before the 28 day period for the TRO expires on August 17. (This would include the initial 14 day period for the TRO plus another 14 day extension for good cause). The Defendants state they are available on any of the following dates: Week of July 28; August 4-5; and August 13-15. The Plaintiffs are available on those dates and suggest that August 4-5 would best give the Court time to consider all further developments and still issue a ruling prior to the expiration of the TRO on August 17. Defendants' counsel has represented that the Defendants do not oppose this motion.

Dated: July 21, 2025

Respectfully submitted,

<p><u>S/ ROBERT B. MCDUFF</u> ROBERT B. MCDUFF MS BAR No. 2532 PALOMA WU MS BAR No. 105464 MISSISSIPPI CENTER FOR JUSTICE 210 E. CAPITOL STREET, STE 1800 JACKSON, MS 39201 601-259-8484 RMCDUFF@MSCENTERFORJUSTICE.ORG PWU@MSCENTERFORJUSTICE.ORG</p> <p><u>S/ AMIR BADAT</u> AMIR BADAT MS BAR No. 106599 BADAT LEGAL PLLC P.O. BOX 15 TOUGALOO, MS 39174 PHONE: 601-462-9592 AMIR.BADAT@GMAIL.COM</p> <p><i>COUNSEL FOR PLAINTIFFS</i></p>	<p><u>S/ JOSHUA TOM</u> JOSHUA TOM MS BAR. No 105392 McKENNA RANEY MS BAR No. 106330 AYANNA HILL MS BAR No. 106590 AMERICAN CIVIL LIBERTIES UNION OF MISSISSIPPI FOUNDATION, INC. P.O. Box 2242 JACKSON, MS 39225 PHONE: (601) 354-3408 JTOM@ACLU-MS.ORG MRANEY@ACLU-MS.ORG AHILL1@ACLU-MS.ORG</p>
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CERTIFICATE OF SERVICE

I certify that the foregoing has been filed on the ECF system which served all counsel of record on this 21st day of June, 2025.

s/ Robert B. McDuff
Co-counsel for Plaintiffs